

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

MARK KROMREY,

Plaintiff,

v.

U.S. DEPARTMENT OF JUSTICE,

Defendant.

ORDER

09-cv-376-bbc

In this civil action brought under the Freedom of Information Act, 5 U.S.C. § 522, plaintiff Mark Kromrey, who is proceeding pro se, alleges that defendant U.S. Department of Justice violated this statute by failing to comply with plaintiff's requests for information regarding an investigation he believes he helped to launch. Plaintiff has paid the \$350 fee for filing his complaint.

Typically, the next step is for plaintiff to serve his complaint on the defendant. However, before plaintiff may proceed further with his lawsuit, he must file a signed copy of his complaint as required by the Federal Rules of Civil Procedure. Under Rule 11(a), every pleading, motion and other paper filed with the court must be signed by the party if that party is not represented by counsel. Therefore, I am returning plaintiff's complaint to him so that he may sign and return it to this court by June 30, 2009. If plaintiff fails to do

so, his case will be dismissed.

Once plaintiff has filed a signed copy of his complaint, he will be expected to serve the defendant. To help plaintiff understand the procedure for serving a United States agency, I am enclosing with this order a copy of a document titled "Serving the United States, Its Agencies, Corporations, Officers, or Employees." In addition, I am enclosing to plaintiff the forms he will need to send to the defendant in accordance with the procedures set out in the memorandum on service. Any copies of the complaint plaintiff serves must bear his signature.

For plaintiff's information, under Fed. R. Civ. P. 4(m), a plaintiff has 120 days after filing a complaint in which to serve the defendant. However, that is an outside limit with few exceptions. This court requires that a plaintiff act diligently in moving his case to resolution. If plaintiff acts promptly, he should be able to serve his complaint on the defendant well before the deadline for doing so established in Rule 4.

ORDER

IT IS ORDERED that plaintiff may have until June 30, 2009, in which to file a signed copy of the complaint in this case. If, by June 30, 2009, plaintiff fails to submit a signed complaint, I will assume that he wishes to withdraw this action voluntarily. In that event, the clerk of court is directed to close this case without prejudice to plaintiff's filing his case at a later date.

Further, IT IS ORDERED that plaintiff serve his complaint on the defendant and file proof of service of his complaint as soon as service has been accomplished. If, by August 17, 2009, plaintiff fails to submit proof of service of his complaint on the defendant or explain his inability to do so, I will direct plaintiff to show cause why his case should not be dismissed for lack of prosecution.

Entered this 19th day of June, 2009.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge